

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**JOHN THOMPSON JR.,**

**Petitioner,**

**v.**

**FNU LNU,**

**Respondent.**

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**Case No. CIV-17-812-W**

**SECOND ORDER**  
**TO CURE DEFICIENCIES**

The Court is in receipt of a handwritten document that John Thompson Jr., an Oklahoma prisoner appearing pro se, has tendered purporting to challenge a judgment of conviction entered in the District Court of Muskogee County, Oklahoma. *See* Pet. (Doc. No. 1) at 1-6 (citing J. & Sent., *State v. Thompson*, No. CF-97-687 (Muskogee Cty. Dist. Ct. Dec. 4, 1998)). Petitioner's filing, which the Court liberally construes as a petition for writ of habeas corpus under 28 U.S.C. § 2254(a), is deficient in the areas indicated below:

- ☒ The petition is not on the Court's approved form. Petitioner's handwritten filing does not provide all of the information, or its equivalent, required by the Court's approved form.
- ☒ The petition is not signed and verified under penalty of perjury.
- ☒ Petitioner has neither paid the required \$5.00 filing fee nor filed an application to proceed *in forma pauperis* in this habeas action.

*See* LCvR 3.5, 9.2; 28 U.S.C. § 2242. Additionally, it is not clear from the face of Petitioner's filing whether Petitioner actually intended to file an action challenging the legality of his confinement and seeking release from state custody, or whether Petitioner simply seeks a federal court's help in obtaining transcripts and other documents from the

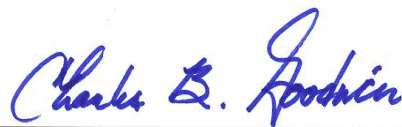
Muskogee County District Court. Pet. at 1, 3, 6; 28 U.S.C. §§ 2242, 2254; *see also* Pet'r's Notice of Aug. 14, 2017 (Doc. No. 5) at 1-2.

ACCORDINGLY, IT IS HEREBY ORDERED that Petitioner, if he intends to proceed with this habeas action, shall have **one additional** opportunity to: (1) cure the petition's defects as indicated above; **and** (2) pay the \$5.00 filing fee applicable to habeas actions, or file an *in forma pauperis* application with the required financial information. *See* Order of Aug. 4, 2017 (Doc. No. 4) at 1-2 (directing Petitioner to cure the same deficiencies by August 25, 2017). Petitioner's failure to comply with this Order by **September 22, 2017**, may result in the dismissal of this action without prejudice. *See* LCvR 3.2, 3.3(e).

ADDITIONALLY, Petitioner may show a copy of this Order to state prison officials as proof that the U.S. District Court for the Western District of Oklahoma has ordered Petitioner to cure his habeas petition and to pay the \$5.00 filing fee or file a properly completed *in forma pauperis* application by a date certain. *See* Pet'r's Notice of Aug. 14, 2017, at 2 ("P.S. I have \$5.00 on my book I can send. Help me.").

The Clerk of the Court is directed to send this Order, along with a copy of the Court's standard Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254 and Application for Leave to Proceed *In Forma Pauperis*, to Petitioner at his address of record.

IT IS SO ORDERED this 1st day of September, 2017



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE